



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,130	06/25/2004	Ryosuke Miyamoto	03500.017020	7158

5514 7590 06/22/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

ZHU, RICHARD Z

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,130	<b>Applicant(s)</b> MIYAMOTO, RYOSUKE	
	<b>Examiner</b> Richard Z. Zhu	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/2004 and 9/20/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on applications JP 2003-021040 filed in Japan on January 29<sup>th</sup> 2003 and JP 2002-040449 filed in Japan on February 18<sup>th</sup> 2002. Certified copies of said Japanese Applications had been received on August 2<sup>nd</sup> of 2004.
2. Acknowledgment is made of applicant's claim for domestic priority based on applications PCT/JP03/01568 on February 14<sup>th</sup> of 2003. Certified copies of said PCT Application had been received on August 2<sup>nd</sup> of 2004.

#### ***Examiner's Suggestion***

3. Regarding Claims 10 and 13, which recites "an information output method by an image processing apparatus capable of...". It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. The applicant is suggested to amend Claim 13 that recites a positive limitation.

Art Unit: 2625

***Claim Objections - 37 CFR 1.75***

4. The following is a quotation of 37 CFR 1.75(a):

The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

Claim 4 is objected to under 37 CFR 1.75(a) as failing to particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Claim 4 recites "wherein said timing means..."; there is a lack of antecedent basis for "said timing means" in either Claim 4 or Claim 1 from which Claim 4 is dependent upon. Please provide the proper antecedent basis for "said timing means".

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs' which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

Art Unit: 2625

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 15 and 16 define a computer program embodying functional descriptive material. However, the claims does not define a computer-readable medium or computer-readable memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). The scope of the presently claimed invention encompasses products that are not necessarily computer readable, and thus NOT able to impart any functionality of the recited program. The examiner suggests amending the claim(s) to embody the program on "computer-readable medium" or equivalent; assuming the specification does NOT define the computer readable medium as a "signal", "carrier wave", or "transmission medium" which are deemed non-statutory (refer to "note" below). Any amendment to the claim should be commensurate with its corresponding disclosure.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1-2, 6-7, 11-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of *Kuribayashi et al. (JP 09-186802 A)* and *Mashiba (US 5724630 A)*.

Regarding Claim 1, *Kuribayashi* discloses an image processing apparatus (Paragraph 0003, **pocket mode facsimile apparatus**) having a plurality of operation modes including a first mode (Paragraph 0013, **“reading mode which reads the image of a manuscript by image read station 1”**) for outputting image data read by image reading means and a second mode (Paragraph 0013, **“print mode which prints the image data of the memory 7 in a form by the image printing section 2”**) for outputting print data received from the outside, the image processing apparatus comprising:

a power consumption standard (Paragraph 0014, **“power consumption multiplier”**) for said each operation mode (Paragraph 0014, **“...each is beforehand set as the system control section 9 as a power consumption multiplier in each mode.”**) and operation time data (Paragraph 0016, **“...it measures the operating time in reading mode and it goes through fixed time amount...”**) for said each operation mode (Drawing 2 and see Paragraph 0015 **“reading mode, communicate mode, and print mode are started at steps 101, 102, and 103 in the flow chart of drawing 2”**);

preparation means (**Drawing 1, System Control Section 9**) for preparing statistic information concerning power consumption (**Paragraph 0014 “...each is beforehand set as the system control section 9 as a power consumption multiplier in each mode” and Paragraph 0015, “it will measure the elapsed time in standby-mode and it will go through fixed time amount, the power consumption multiplier of standby-mode \*\* is taken up (step 111), and the power consumption per the unit time amount is added to the total consumed electric power (step 112)”** exemplify the step of preparing statistic information concerning power consumption for each mode as described by drawing 2) of said image processing apparatus based on the power consumption standard (**Paragraph 0015, “ power consumption multiplier” as mentioned above**) and the operation time data (**Paragraph 0015, “it will measure the elapsed time...” for each mode as mentioned above**) for said each operation mode;

and output means (**Drawing 1, System Control Section 9**) for performing an output (**Paragraph 0015, an output being display by display 4 of Drawing 1. If the output is being display 4, then it must be outputted to a temporary memory allotted for the display so that display 4 can properly display the output**) based on the prepared statistic information concerning power consumption (**Paragraph 0015, an output being the remaining capacity of the power cell which is calculated using power consumption multiplier and the time elapsed for the operation mode in question**).

However, *Kuribayashi* does not disclose memory means for storing a power consumption standard for said each operation mode and operation time data for said each operation mode.

*Mashiba* discloses memory means (**Fig 3, ROM 42 and RAM 43**) for storing a power consumption standard (**Fig 13B, Power Consumption during Standby**) for a plurality of operation modes (**Fig 13B, modes 1-4**) and operation time data (**Fig 13B, Time elapsed until setting to 120 C after copying**) for said each operation mode.

*Kuribayashi* and *Mashiba* are combinable because they are from the same field of endeavor of power consumption reduction.

It would've been obvious to one of ordinary skill in the art at the time of the invention to store the power consumption multiplier and operation time data for each operation mode of *Kuribayashi* into memory means as suggested by *Mashiba*.

The suggestion/motivation for doing so would have been to provide an image forming apparatus that can efficiently reduce power consumption by allowing power consumption information to be saved in memory so that it can be extracted and view on a display by an operator or user.

Therefore, it would've been obvious to combined *Kuribayashi* with *Mashiba* to obtain the invention as specified in Claim 1.

Regarding Claim 2, *Kuribayashi* of the combined teachings discloses the image processing apparatus further comprising timing means (**Drawing 1, System Control Section 9 with a building timer, see paragraph 0015**) for timing operation time data of the respective operation modes individually (**Paragraph 0016 for read mode and Paragraph 0018 for print mode**),

wherein said preparation means prepares statistic information based on a value timed by said timing means (**Paragraph 0016, read mode exemplify the preparation "it**



measures the operating time in reading mode and it goes through fixed time amount, the power consumption multiplier of reading mode is taken up....”) and the power consumption standard (Paragraph 0016 “the power consumption multiplier of reading mode is taken up” and Paragraph 0018 “power consumption multiplier table” for print mode) for each operation mode.

Regarding Claim 6, *Kuribayashi* of the combined teachings discloses the image processing apparatus wherein the first mode is a copy mode (Paragraph 0013, reading mode) and the second mode is a printer mode (Paragraph 0013, print mode).

Regarding Claim 7, *Kuribayashi* of the combined teachings discloses the image processing apparatus wherein said output means outputs the prepared statistic information concerning power consumption (Paragraph 0015 exemplify this process, “This total consumed electric power is integral power consumption. Based on this total consumed electric power, the remaining capacity of the cell of the cell power supply section 8 is calculated, and the display for telling a user about that remaining capacity is performed by the display 4 (step 113)”) to a display unit (Drawing 1, Display 4) during designated processing for designating the operation mode or during execution of the operation mode (Paragraph 0015 exemplify this process, power consumption and remaining capacity is calculated during the execution of standby mode and displayed as soon as it is calculated).

Regarding Claims 11 and 14, *Kuribayashi* of the combined teachings disclose an image processing apparatus having a plurality of operation modes (Paragraph 0014, read mode, print mode, standby mode, communicate mode), comprising:

Art Unit: 2625

timing means (**Drawing 1, System Control Section 9 with a building timer, see paragraph 0015**) for timing operation time data from a start to an end of a predetermined operation mode as an intermittent operation time corresponding to job execution scheduling according to other operation modes (**Paragraph 0016 for read mode and Paragraph 0018 for print mode**); and

preparation means (**Drawing 1, System Control Section 9**) for preparing information concerning power consumption of the predetermined operation mode based on a value timed by the timing means (**Paragraph 0016, read mode exemplify the preparation “it measures the operating time in reading mode and it goes through fixed time amount, the power consumption multiplier of reading mode is taken up....”**).

Regarding Claim 12, *Kuribayashi* of the combined teachings disclose an information output method for outputting information concerning power consumption in an image processing apparatus having a plurality of operation modes including a first mode (**Paragraph 0013, “reading mode which reads the image of a manuscript by image read station 1”**) for outputting image data read by image reading means and a second mode (**Paragraph 0013, “print mode which prints the image data of the memory 7 in a form by the image printing section 2”**) for outputting print data received from the outside, the information output method comprising the steps of:

reading out power consumption data for said each operation mode (**Paragraph 0015, “the power consumption multiplier of standby mode is taken up”**) and operation time data (**Paragraph 0015, “it will measure the elapsed time in standby-mode..”**) for said

each operation mode (**Paragraph 0016 read mode, Paragraph 0017, communication mode, Paragraph 0018, print mode**);

preparing statistic information concerning power consumption (Paragraph 0015, **“and the power consumption per the unit time amount is added to the total consumed electric power (step 112). This total consumed electric power is integral power consumption”**) of said image processing apparatus based on the read out power consumption data (**total consumed electric power is base on read out power consumption multiplier, power consumption per unit time, and measured elapsed time**) for each operation mode and the read out operation time data for each operation mode; and

performing an output based on the prepared statistic information concerning power consumption (Paragraph 0015, **“the display for telling a user about that remaining capacity is performed by the display 4 (step 113)”**).

8. Claims 3 and 8 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Kuribayashi et al. (JP 09-186802 A)* and *Mashiba (US 5724630 A)* in view of *Ito (JP 11-024517 A)*.

The combined teachings of *Kuribayashi* and *Mashiba* disclose the subject matter of Claim 1 from which Claim 3 is dependent upon.

Regarding Claim 3, *Kuribayashi* discloses the image processing apparatus further comprising said preparation means (**Drawing 1, System Control Section 9**) prepares statistic information (**Paragraph 0015, “power consumption per the unit time amount is added to the total consumed electric power”**) based on the timed value (**Drawing 2 and**

see Paragraph 0015, “it will measure the elapsed time...” and the power consumption standard (Paragraph 0015, “the power consumption multiplier of...” for each operation mode.

However, *Kuribayashi* does not disclose the image processing apparatus further comprising management means for managing user identification information by associating the user identification information with timing value by said timing means, wherein said preparation means prepares statistic information based on the timed value, the power consumption standard for each operation mode, and the user identification information.

*Mashiba* discloses an image processing apparatus further comprising management means (Fig 3, CPU 41) for managing mode identification information (Fig 13B, modes 1-4) by associating the mode identification information with timing value (Fig 13B, Time Elapsed Until Setting to 120 C after copying) by a timing means (Fig 3, Timer 45).

*Kuribayashi* and *Mashiba* are combinable because they are from the same field of endeavor of power consumption reduction.

It would've been obvious to one of ordinary skill in the art at the time of the invention to manage the statistic information based on timing value and power consumptions standard for each mode of *Kuribayashi* using the management means of *Mashiba*.

The suggestion/motivation for doing so would have been to provide an image forming apparatus that can efficiently reduce power consumption by managing power consumption information so that the user can have a broad overview of the status of operational power consumption of the image processing apparatus.

However, the combined teaching does not disclose the image processing apparatus further comprising management means for managing user identification information by associating the user identification information with timing value by said timing means, wherein said preparation means prepares statistic information based on the timed value, the power consumption standard for each operation mode, and the user identification information.

*Ito* discloses an image processing apparatus (**Drawing 1**) further comprising management means (**Drawing 1, CPU1**) for managing user identification information (**Drawing 2, Control Section 100**) by associating the user identification information (**Abstract, "Department"**) with an upper limit of how many sheets it can print (**Abstract**).

*Ito* is combinable with *Kuribayashi* and *Mashiba* because it is in the field of consumption management as *Kuribayashi* and *Mashiba*, and it suggest to one of ordinary skill in the art to associate user identification information in the process of consumption management, be it power or sheet consumption.

It would've been obvious to one of ordinary skill in the art to have the management means of *Kuribayashi* and *Mashiba* to associate user identification information of *Ito* with timing value by the timing means of *Kuribayashi* and *Mashiba* in order to keep record of user's power consumption by saving it into the memory means so that it can be view by user on the display.

Therefore, it would've been obvious to combine *Ito* with *Kuribayashi* and *Mashiba* to obtain the invention as specified in Claim 3.

Regarding Claim 8, the combined teachings of *Kuribayashi* and *Mashiba* in view of *Ito* discloses the image processing apparatus further comprising:

specifying means (*Ito*, Drawing 3, Card Reader Section 308 of Management System 30) for specifying a user or a using department (*Ito*, Paragraph 0015, cards 41-44 individually contains information identifying the user and user's department) which uses said image processing apparatus; and

timing means for timing an operation time of said image processing apparatus by associating the operation time with the specified user or using department (See rejection of Claim 3 above) and memory means stores the timed operation time as the operation time data

preparation means (*Ito*, Drawing 3, CPU301, Paragraph 0023) prepares the statistic information for each user or using department (*Ito*, Drawing 4, Department Administration Table).

9. Claims 4, 15 and 17 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Kuribayashi et al.* (JP 09-186802 A) and *Mashiba* (US 5724630 A) in view of *Nakamura* (JP 08-130595 A).

Regarding Claim 4, *Kuribayashi* of the combined teaching discloses the image processing apparatus wherein said timing means times operation time data from a start to an end (Paragraph 0016, "it measures the operating time in reading mode...." and Paragraph 0015, "it will measure the elapsed time in standby-mode....") of a

predetermined operation mode as an intermittent operation time (**Paragraph 0013, communication mode, reading mode, print mode, and standby mode are scheduled one after another accordingly**).

However, the combined teachings does not explicitly disclose said timing corresponding to job execution scheduling according to other operation modes.

*Nakamura* discloses an image processing apparatus with “a scheduled pipe table is the information for managing the on-off schedule of facsimile apparatus on day of the week, a time zone, a date, a holiday, etc” (**Paragraph 0039**).

*Nakamura* is combinable with *Kuribayashi* and *Mashiba* because it is in the field of power consumption management as *Kuribayashi* and *Mashiba*. It discloses to one of ordinary skill in the art at the time of the invention that it is common for an image processing apparatus to have a pipeline schedule that schedules the operations of facsimile apparatus and such schedule corresponds to a timing value extracted from internal clock.

It would've been obvious to one of ordinary skill in the art, if not inherent to have the timing means of *Kuribayashi* and *Mashiba* to times operation time data from a start to an end of a predetermined operation mode as an intermittent operation time, corresponding to job execution scheduling according to other operation modes as suggested by *Nakamura*.

The motivation/suggestion would've been to enable an image processing apparatus to execute a plurality of modes of operation such as communicate, read, print, and standby of *Kuribayashi* and *Mashiba* one after another.

Therefore, it would've been obvious to combine *Nakamura* with *Kuribayashi* and *Mashiba* to obtain the invention as specified in Claim 4.

Regarding Claims 15 and 17, a program and a computer readable storage medium for executing method of Claim 12, *Nakamura* discloses a computer program (**Drawing 1 and see Paragraph 0026, “When performing the control processing program which Maine CPU 1 performs, and a processing program, while memorizing various required data etc.”**) and a computer readable medium on which the program resides (**Drawing 1 and see Paragraph 0026, “system memory 2”**).

It would've been obvious to one of ordinary skill in the art at the time of invention to implement the method of *Kuribayashi* and *Mashiba* using a computer program as suggested by *Nakamura* in order to ensure a high computational speed and minimize memory capacity.

10. Claims 5, 9-10, and 13 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Kuribayashi et al. (JP 09-186802 A)* and *Mashiba (US 5724630 A)* in view of *Alsop (US 6795829 B2)*.

The combined teachings of *Kuribayashi* and *Mashiba* disclose the subject matter of Claim 1 from which Claim 5 is dependent upon.

However, said combined teachings does not wherein said output means sends the statistic information to a terminal apparatus external to said image processing apparatus as a markup language.

*Alsop* discloses in Fig 1, a central computer 2 that act as a fulcrum to exchange information with various devices in a network. Furthermore, *Alsop* discloses in (**Col 4, Rows 20-25**) that markup language HTML can be employ as the protocol to communicate information over the network to an external terminal apparatus (**Fig 1**).



*Alsop* is the field of communicating information comprising user identification, power consumption, time value, and etc (*Fig 2 and Fig 3*) to external terminal apparatus.

It would've been obvious to one of ordinary skill in the art at the time of the invention to configure the output means of *Kuribayashi* and *Mashiba* to communicate statistical information to a terminal apparatus using markup language as suggested by *Alsop* in order to properly communicate information over a network or server.

Therefore, it would've been obvious to combine *Alsop* with *Kuribayashi* and *Mashiba* to attain the invention of Claim 5.

Regarding Claim 9, *Alsop* of the combined teachings of Claim 5 discloses an information processing apparatus (*Fig 1, Central Computer 2*) capable of communicating with an image processing apparatus (*Fig 1, any one of image processing apparatus 14-18*).

Regarding Claims 10 and 13, the combined teachings of *Kuribayashi* and *Mashiba* discloses an image processing apparatus having a plurality of operation modes including a first mode (*Kuribayashi, Paragraph 0013, "reading mode which reads the image of a manuscript by image read station 1"*) for outputting image data read by image reading means and a second mode (*Kuribayashi, Paragraph 0013, "print mode which prints the image data of the memory 7 in a form by the image printing section 2"*) for outputting print data received from the outside, said image processing apparatus comprising:

calculation means (*Kuribayashi, Drawing 1, System Control Section 9 and see Paragraph 0015*) for calculating power consumption of said image processing apparatus for each of the operation modes (*Kuribayashi, Paragraph 0016 for read mode and Paragraph 0018 for print mode*);

Art Unit: 2625

and output means (*Kuribayashi*, Drawing 1, System Control Section 9) for outputting information on the power consumption calculated by said calculation means to the information processing apparatus (*Kuribayashi*, Paragraph 0015, “Based on this total consumed electric power, the remaining capacity of the cell of the cell power supply section 8 is calculated, and the display for telling a user about that remaining capacity is performed by the display 4 (step 113)”).

However, the combined teachings does not disclose an image processing apparatus capable of [for] communicating with an information processing apparatus wherein the information processing apparatus generates statistic information based on the information output by said output means (*Alsop*, Fig 5 and Fig 6).

*Alsop* discloses an image processing apparatus (*Alsop*, Fig 1, any one of printers 14-18) capable of [for] communicating with an information processing apparatus (*Alsop*, Fig 1, Central Computer 2)

wherein the information processing apparatus generates statistic information based on the information output by said output means (*Alsop*, Fig 5 and Fig 6).

*Alsop* is the field of communicating information comprising user identification, power consumption, time value, and etc (*Fig 2 and Fig 3*) to external terminal apparatus.

It would’ve been obvious to one of ordinary skill in the art at the time of the invention to configure the output means of *Kuribayashi* and *Mashiba* to communicate statistical information to a terminal apparatus using markup language as suggested by *Alsop* in order to properly communicate information over a network or server.

Therefore, it would've been obvious to combine *Alsop* with *Kuribayashi* and *Mashiba* to attain the invention of Claims 10 and 13.

11. Claims 16 and 18 are rejected under 35 USC 103(a) as being unpatentable over the combined teachings of *Kuribayashi et al. (JP 09-186802 A)*, *Mashiba (US 5724630 A)*, and *Alsop (US 6795829 B2)* in view of *Nakamura (JP 08-130595 A)*.

Regarding Claims 16 and 18, a program and a computer readable storage medium for executing method of Claim 13, *Nakamura* discloses a computer program (**Drawing 1 and see Paragraph 0026, “When performing the control processing program which Main CPU 1 performs, and a processing program, while memorizing various required data etc.”**) and a computer readable medium on which the program resides (**Drawing 1 and see Paragraph 0026, “system memory 2”**).

It would've been obvious to one of ordinary skill in the art at the time of invention to implement the method of *Kuribayashi*, *Mashiba*, and *Alsop* using a computer program as suggested by *Nakamura* in order to ensure a high computational speed and minimize memory capacity.

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5580177 A, US 5842027 A, US 6018690 A, US 7120911 B1, discloses apparatus for power consumption management.
13. Let the record reflect that the examiner had fulfill examiner's obligation to the applicant, as set forth in the "Citation of Reference" section of MPEP 700, by bringing to applicant's attention the following arts: Goto et al. (US 2002/0140964 A1) and Tada et al. (US 2002/0144162 A1). The cited arts are not prior art due to applicant's PCT priority claim and their corresponding Japanese priority applications due to applicant's foreign priority claim. Therefore said cited arts do not constitute an issue of patentability. However, should said cited arts become prior art during prosecution of this case, disclosures of cited arts can anticipate/obviate applicant's prime inventive concepts.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 571-272-7406 and Richard Z. Zhu whose telephone number is 571-270-1587. The examiners can normally be reached on M-F, 8:00 - 4:30.

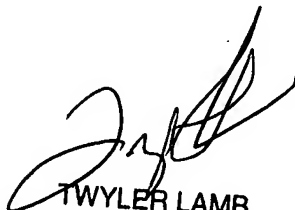
Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZZ  
06/05/2007



Richard Z. Zhu  
Assistant Examiner  
Art Unit 2625



TWYLER LAMB  
SUPERVISORY PATENT EXAMINER